

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In the Matter of:

MATTHEW P WIETZKE  
LINDSAY M WIETZKE

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Debtor(s).

Chapter 13

Case No. 2015-28057-GMH

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NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

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Matthew P. and Lindsay M. Wietzke (*Name of proponent of modification*) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court  
517 E. Wisconsin Avenue  
Room 126  
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Paul R. Uttech  
Uttech Law Office  
N7652 Edgewater Drive  
Beaver Dam, WI 53916

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Paul R. Uttech N7652 Edgewater Drive Beaver Dam, WI 53916 (920) 887-2783 (920) 887-2834 Fax Email: <a href="mailto:uttech.law@gmail.com">uttech.law@gmail.com</a>
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## REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

- ☒ the Debtor;  
☐ the Chapter 13 Trustee (post-confirmation modifications only);  
☐ the holder of an unsecured claim (post-confirmation modifications only)

Name: \_\_\_\_\_

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

- ☐ A. post-confirmation;  
☒ B. pre-confirmation (Select i. or ii);  
☒ i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or  
☐ ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)).  
The creditors affected are: (Enter creditors)

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

To account for a supplemental claim to be filed by Seterus, Inc.; to account for a larger arrears on the original claim of Seterus, Inc. (Claim #10); and to provide clarifying language regarding treatment of a creditor claim.


4. The reason(s) for the modification is/are:

Pursuant to a stipulation between the debtors and Seterus, Inc., a supplemental claim is being added to the plan in the amount of \$4024.03; the plan payment must account for this. Additionally, the claim of Old Republic Insurance Co. (Claim #3.2); shall be treated as unsecured as stated in the proof of claim.

5. Select A. or B.

- ☐ A. The Chapter 13 Plan confirmed or modified on \_\_\_\_\_ is modified as follows:  
(State the specific language of the modification)

- ☒ B. The unconfirmed Chapter 13 Plan dated 12/15/2015 is modified as follows:

The plan payment shall increase to \$591 per month beginning with the June 2016 payment and continue for the duration of the plan. This increase accounts for the supplemental claim of Seterus, Inc., and accounts for a larger arrears on the original claim of Seterus, Inc., than anticipated. The claim of Old Republic Insurance Company is treated as unsecured. 

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

## **CERTIFICATION**

Complete one of the certifications below:

1. I/We, \_\_\_\_\_, the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debtor

\_\_\_\_\_  
Date

OR

2. I Paul R. Uttech, attorney for debtor(s) Matthew P. and Lindsay M. Wietzke, certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

/ s / Paul R. Uttech  
Counsel for the debtor(s)

April 28, 2016  
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: April 28, 2016

Attorneys for Uttech Law Office

at City, State.

By: Paul R. Uttech

Beaver Dam, WI

Bar No. 1023155